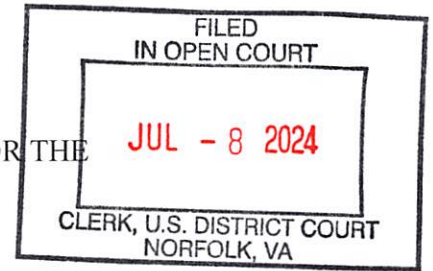


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA

v.

FENGYUN SHI,

Defendant.

Case No. 4:24-mj-3

STATEMENT OF FACTS

If the United States were to try this case, the evidence that would be proved beyond a reasonable doubt would be:

1. On January 6, 2024, a Newport News, Virginia resident, (the "Resident"), living in the area of 65th Street and Huntington Avenue, encountered the defendant, FENGYUN SHI. SHI told the Resident he needed help and pointed to a small commercial drone stuck in the Resident's tree.

2. After speaking with SHI, the Resident called Newport News Police Department, ("NNPD"), to assist. When NNPD officers arrived, they asked SHI why he was flying a drone in the area and in such inclement weather, to which SHI offered no reason other than he thought he could fly his drone in the residential area. SHI was cooperative and response with NNPD, but SHI appeared nervous and cradled the cell phone used to operate the drone towards SHI's body throughout the encounter. SHI told the officers that he was a University of Minnesota student on vacation in the area.

3. NNPD told SHI there was nothing they could do to help but provided SHI the non-emergency number for the Newport News Fire Department, ("NNFD") and advised SHI to contact NNFD and to stay on scene until NNFD arrived to help. SHI did not contact NNFD for assistance

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but instead returned his rental vehicle to the Norfolk International Airport approximately one hour after speaking to NNPD. SHI immediately took an Amtrak train to Washington, D.C., where SHI stayed for approximately 25 hours before boarding a flight to Oakland, California.

4. On January 7, 2024, SHI's drone fell out of the tree and onto the Resident's lawn. The Resident placed the drone in his shed where, on January 8, 2024, Naval Criminal Investigative Service ("NCIS") arrived to retrieve the drone.

5. Using a variety of investigation techniques to include database searches, subpoenas, search warrants, interviews, and forensic analysis, the FBI confirmed the following:

- a. SHI was a citizen of the People's Republic of China in the United States on a student visa. He was an agricultural engineering graduate student at the University of Minnesota.
- b. SHI purchased the drone referenced above on January 3, 2024.
- c. On January 4, 2024, SHI flew into Norfolk International airport from San Francisco, California, and rented a car.
- d. SHI first flew the drone a little before midnight the night of January 5, 2024. SHI flew the drone around BAE Systems Shipbuilding and General Dynamics NASSCO in Norfolk, Virginia, and took pictures of drydocked U.S. naval vessels.
- e. No pictures were taken by SHI's drone on the night of January 5, 2024, that did not contain U.S. naval vessels located at BAE Systems Shipbuilding and General Dynamics NASSCO in Norfolk, Virginia.
- f. SHI drove to Newport News, Virginia and flew his drone around and over Newport News Shipbuilding, ("NNSB"), on January 6, 2024, before the drone became stuck in the Resident's tree.
- g. SHI took several more pictures with his drone of U.S. naval vessels in drydock and under construction at NNSB.
- h. No pictures were taken by SHI's drone on the morning of January 6, 2024, that did not contain U.S. naval vessels or NNSB property located at NNSB in Newport News, Virginia.
- i. SHI's drone did not make any other flights other than around BAE Systems in

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Norfolk on January 5, and over NNSB in Newport News on January 6, and took pictures only of U.S. naval vessels.

- j. SHI never obtained authorization to photograph either installation or the equipment therein.
- k. SHI did not return to the University of Minnesota after the incident in Newport News. He was apprehended by law enforcement on January 18, 2024, in California before boarding a one-way flight to China.

6. NNSB, an operating division of Huntington Ingalls Incorporated, ("HIC"), which is a subsidiary of Huntington Ingalls Industries, Inc., ("HII"), is a Department of Defense Cleared Defense Contractor and is the largest military shipbuilding company in the United States.

7. NNSB is the sole manufacturer of the Ford Class U.S. Navy Aircraft Carrier, the U.S. Navy's newest generation of aircraft carrier.

8. NNSB also manufactures and services U.S. Navy nuclear submarines and various underwater vessels.

9. On January 6, 2024, NNSB was actively manufacturing Ford class carriers as well as Virginia Class nuclear submarines, components of which are classified.

10. NNSB is a commercial establishment engaged in the development and manufacturing of classified military naval arms for the United States Navy.

11. Commissioned U.S. Navy vessels containing classified sensitive systems and highly classified and sensitive Naval Nuclear Propulsion Information were located at NNSB on January 6, 2024, when SHI operated his drone over the facility.

12. SHI used his drone to photograph "commercial establishment[s] engaged in the development or manufacture of classified military or naval arms, munition, equipment, designs, ships, aircraft, or vessels for the United States Army, Navy, or Air Force" as defined in Executive Order No. 10104.

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13. On or about January 6, 2024, in the Eastern District of Virginia, FENGYUN SHI used an unmanned aircraft to knowingly photograph naval installations and equipment which are classified, designated, and marked with the approval and at the direction of the President and located within any commercial establishment engaged in the development and manufacture of classified military and naval arms, munitions, equipment, designs, ships, aircraft, and vessels for the United States Army, Navy, and Air Force, pursuant to Executive Order No. 10104, without authorization, to wit: a photo image file entitled, "DJI_00023.JPG", depicting a United States Navy vessel and equipment located withing Newport News Shipbuilding in Newport News, Virginia, a subsidiary of Huntington Ingalls Industries, a United States Department of Defense Cleared Defense Contractor, in violation of Title 18, United States Code, Section 796.

14. On or about January 6, 2024, in the Eastern District of Virginia, FENGYUN SHI used an unmanned aircraft to knowingly photograph naval installations and equipment which are classified, designated, and marked with the approval and at the direction of the President and located within any commercial establishment engaged in the development and manufacture of classified military and naval arms, munitions, equipment, designs, ships, aircraft, and vessels for the United States Army, Navy, and Air Force, pursuant to Executive Order No. 10104, without authorization, to wit: a photo image file entitled, "DJI_00026.JPG_embedded_2_partial.jpg", depicting a United States Navy vessel and equipment located withing Newport News Shipbuilding in Newport News, Virginia, a subsidiary of Huntington Ingalls Industries, a United States Department of Defense Cleared Defense Contractor, in violation of Title 18, United States Code, Section 796.

15. The acts described above taken by defendant, FENGYUN SHI, were done willfully, knowingly, intentionally, and unlawfully and not by accident, mistake or other innocent reason.

The defendant further acknowledges that the foregoing statement of facts covers the elements of the offenses charged but does not describe all of the defendant's conduct relating to the offenses charged in this case.

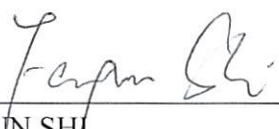
Respectfully submitted,

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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, and the United States, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

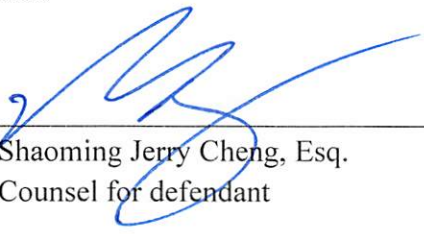


FENGYUN SHI
Defendant

07/08/2024

Date

I am FENGYUN SHI's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Shaoming Jerry Cheng, Esq.
Counsel for defendant

07/08/2024

Date

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